MABRY LAW FIRM PLLC

September 28, 2012

Honorable Nancy F. Atlas
United States Courthouse
515 Rusk Street, Room 9015
Houston, TX 77002-2601

***Via CM/ECF Filing***

Re: Kimberly S. Long v. BDP International, Inc., et al.; Civil Action No. 4:12-cv-01446; In the United States District Court for the Southern District of Texas, Houston Div.

Dear Judge Atlas:

I represent Plaintiff Kimberly Long and the Opt-In Plaintiffs in the above-referenced FLSA collective action suit filed on May 9, 2012.

Three months after this case was filed, on August 11, 2012, another FLSA case was filed in the Southern District of Texas against Defendant BDP International, Inc., namely, Brenda Salazar and All Others Similarly Situated v. BDP International, Inc.; Civil Action No. 4:12-cv-2418; In the United States District Court for the Southern District of Texas, Houston Division. The second case is pending before the Honorable Sim Lake.

In the Salazar case, Defendant BDP International, Inc. recently moved to dismiss and to compel arbitration. In response, Plaintiff Salazar asked Judge Lake to stay the case rather than to dismiss it, and she contested the propriety of ruling on class claims in the context of a motion to dismiss her individual claims.

Although Plaintiff Salazar is represented by other counsel and although her claims are not at issue in the case pending before you, counsel for Plaintiff Long have some concern that Judge Lake may be unaware of this prior-filed collective action, or of the possibility that a broad ruling from his Court on issues affecting the class might affect proceedings in this earlier-filed case now pending before you. Accordingly, I write to advise you of these proceedings in the later-filed case. I have also cover-copied this letter to Judge Lake's case manager, Mr. Andrew Boyd, and have done so via email at his direction received in a telephone conversation this afternoon.

Respectfully,

Alex Mabry

cc: Andrew Boyd (via email)
A. John Harper II (via CM/ECF)
Stefanie R. Moll (via CM/ECF)
Alison J. Gates (via CM/ECF)
Galvin B. Kennedy (via CM/ECF)
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